

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In Re: EDDIE L. TORRENCE, JR.,
Address: 12001 Old Buckingham Road, Midlothian, VA 23113

Debtor.

Case No: 11-35116-DOT

SUNTRUST MORTGAGE, INC.,

Plaintiff,

Chapter 13

v.

EDDIE L. TORRENCE, JR.,
ROBERT E. HYMAN, Trustee,

Defendants.

NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY AND HEARING

SunTrust Mortgage, Inc., a creditor in this case, has filed papers with the Court to obtain relief from the provisions of the automatic stay of the Bankruptcy Code with regard to certain property more particularly described in those papers which are attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant this creditor relief from the provisions of the automatic stay of the Bankruptcy Code, or if you want the Court to consider your views on the Motion for Relief from the Automatic Stay, then on or before December 23, 2011, you or your attorney must:

File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rules 4001(a)-1(C) and 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

William C. Redden, Clerk
U.S. Bankruptcy Court
Richmond Division
701 East Broad Street
Suite 4000
Richmond, VA 23219

You must also mail a copy of any such response to:

Jason L. Hamlin, Esquire
Melissa M. Watson Goode, Esquire
Glasser and Glasser, P.L.C.
Crown Center, Suite 600
580 East Main Street
Norfolk, Virginia 23510

Attend the preliminary hearing scheduled to be held on January 4, 2012 at 11:00 a.m. in the U.S. Courthouse, Room 5100, United States Bankruptcy Court, 701 East Broad Street, Richmond, VA 23219.

If no timely response has been filed opposing the relief requested, the Court may grant the relief requested in the Motion for Relief from Stay.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion for Relief from Automatic Stay and may enter an Order granting that relief.

Date: December 9, 2011

Signature: /s/ Melissa M. Watson Goode

Name: Jason L. Hamlin, VSB #46931
Melissa M. Watson Goode, VSB #73516
Glasser and Glasser, P.L.C.
Crown Center, Suite 600
580 East Main Street
Norfolk, Virginia 23510

CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2011, a true copy of the foregoing Notice of Motion for Relief from the Automatic Stay was submitted for electronic transmittal to Pia J. North, Attorney for the Debtor, and to Robert E. Hyman, Trustee, and was mailed, first class, postage prepaid to Eddie L. Torrence, Jr., Debtor, at 12001 Old Buckingham Road, Midlothian, VA 23113.

/s/ Melissa M. Watson Goode
Jason L. Hamlin, VSB #46931
Melissa M. Watson Goode, VSB #73516
Glasser and Glasser, P.L.C.
Crown Center, Suite 600
580 East Main Street
Norfolk, Virginia 23510

Glasser and Glasser, P.L.C.
Crown Center, Suite 600
580 East Main Street
Norfolk, Virginia 23510-2212

TO THE HONORABLE DOUGLAS O. TICE, JR.:

Your Plaintiff, SunTrust Mortgage, Inc., respectfully represents as follows:

1. That this is a core proceeding within the meaning of the Bankruptcy Code and Rules.
2. That on August 8, 2011, the above-named Debtor filed a Petition in this Court.
3. That Robert E. Hyman was appointed Trustee of the real property and improvements, has qualified and is now acting.
4. That at the time of the filing of the Debtor's Petition herein, the Debtor had an ownership interest in certain real property and improvements having a street address of 12001 Old Buckingham Road, Midlothian, Virginia, located in the County of Chesterfield, Virginia, more particularly described as follows:

ALL that certain lot, piece or parcel of land, with all improvements thereon and appurtenances thereto belonging, lying and being in the County of Chesterfield, Virginia, and shown and designated as Lot 6, Block A, Section C-2, on Subdivision Plat of Olde Coach Village, recorded in the Clerk's Office, Circuit Court of Chesterfield County, Virginia, in Plat Book 22, pages 22 and 23, to which plat reference is hereby made for a more particular description of the property.

BEING the same real estate conveyed to Eddie L. Torrence by deed dated February 24, 2009 from Larry C. Powers and Robert L. Johnson recorded immediately prior hereto in the aforesaid Clerk's Office.

5. That the Plaintiff is the holder of a Deed of Trust Note dated February 25, 2009, in the original principal amount of \$186,049.00 with interest thereon from said date at the rate of 5.000% per annum, secured by a Deed of Trust on said real property and improvements recorded in the Clerk's Office of the Circuit Court of the County of Chesterfield, Virginia, on which there is an unpaid approximate payoff balance owing to the Plaintiff of \$185,966.50 as of November 1, 2011, exclusive of accruing interest, subsequently accruing late charges, and the Plaintiff's attorney's fees and costs incurred incident to the filing and resolution of this Motion.

True copies of said Deed of Trust Note and Deed of Trust are attached hereto and incorporated by reference as Exhibits "A" and "B", respectively.

6. That there is no equity in said real property and improvements for the Debtor's Bankruptcy estate based upon the valuation of said property established by the City or County tax assessor of \$179,200.00.

7. That the Debtor has defaulted in the payment of the post-petition payments due the Plaintiff in connection with the aforesaid Deed of Trust Note indebtedness totaling the sum of \$4,110.39, inclusive of late charges, exclusive of attorney's fees and costs incident to the filing and prosecution of this Motion, consisting of 4 delinquent payments (see itemized breakdown below), which were due during the months of September 2011 through December 2011, which payments were to be made by the Debtor directly to the Plaintiff outside of the Debtor's Chapter 13 Plan.

4 payments @ \$1,314.31 each	\$5,257.24
3 late charges @ \$54.28 each	162.84
Monies in suspense	(1,309.69)
TOTAL:	\$4,110.39

8. That the last post-petition payment was received by the Plaintiff from the Debtor on September 15, 2011 in the sum of \$1,309.69 and was placed in a suspense account inasmuch as said payment was insufficient in amount to apply to a payment and has been credited in the calculation of the post-petition arrearages.

9. That a Proof of Claim has not been filed to date by the Plaintiff.

10. That according to the records of the Chapter 13 trustee, trustee payments payable by the Debtor to the trustee are delinquent in the amount of \$630.00.

11. That the Plaintiff reserves the right to specify any additional payment default or any additional delinquency that may accrue between the filing date of this Motion and the time of any hearings scheduled with regard to same.

12. That in the event the Plaintiff is granted relief from stay hereunder, the Plaintiff, its agents and/or representatives, requests that the Order granting said relief allow the Plaintiff, its successors and/or assigns, agents and/or representatives to send communications, as necessary, to the Debtor, including, but not limited to, notices required by applicable state law in connection with applicable State Court foreclosure or other proceedings incident to the aforesaid real property and improvements including any proceedings necessary to recover possession of same from the Debtor.

13. That the facts hereinabove alleged constitute cause for a grant of stay relief in favor of the Plaintiff pursuant to the provisions of 11 U.S.C. Section 362(d)(1) and Section 362(d)(2).

WHEREFORE, Plaintiff prays that it be granted relief from the provisions of the automatic stay of the Bankruptcy Code with regard to the above-described real property and improvements including any act necessary to recover possession of same from the Debtor and that the stay of such grant of relief imposed pursuant to the provisions of Rule 4001(a)(3) of the Bankruptcy Rules be waived.

SUNTRUST MORTGAGE, INC.

By /s/ Melissa M. Watson Goode
Of Counsel

Glasser and Glasser, P.L.C.
Crown Center, Suite 600
580 East Main Street
Norfolk, Virginia 23510-2212

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/s/ Melissa M. Watson Goode

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